

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25968 PERMIT 18960 LICENSE

ORDER TO CHANGE THE DESCRIPTION OF THE POINT OF DIVERSION
TO ADD TWO POINTS OF DIVERSION, THE PLACE OF USE,
THE PURPOSE OF USE, AND APPROVING A NEW DEVELOPMENT
SCHEDULE, AND AMENDING THE PERMIT

1. Permit 18960 was issued to Robert M. O'Brien and Edith O'Brien on August 19, 1983 pursuant to Application 25968.
2. Permit 18960 was subsequently assigned to Mountainside Water Company.
3. A petition to add two points of diversion on Big Canyon Creek and a petition for an extension of time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board.
4. The permittee has proceeded with diligence and good cause has been shown for said changes and for the extension of time.
5. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. An inspection was made on July 22, 1988 and it was determined that the description of the place of use and purpose of use should be corrected. The correction in the purpose of use is needed because the water is used only for Domestic use and no water is used for irrigation.

The place of use should be corrected to include the Emmor H. Niles et al parcel of land in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24, T40N, R3W, MDB&M. The parcel is covered under a companion file (Application 22189) but inadvertently omitted in this filing.

7. Because of the many sources supply water to the place of use under this permit and other permits, a condition needs to be added requiring totalizing water meters to be installed and records kept before this permit can be licensed.
8. Permit Condition 11 pertaining to the continuing authority of the Board should be updated to conform to Standard Permit Term 12 as contained in Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 7 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1991

(0000008)

2. Condition 8 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1996

(0000009)

3. Paragraph 2 of this permit regarding points of diversion is amended to read as follows:

1. Cave Spring: North 2,650 feet and East 1,300 feet from SW corner of Section 18, T40N, R3W, MDB&M, being within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 18;
2. Cascade Spring: North 2,700 feet and East 800 feet from SW corner of Section 18, T40N, R3W, MDB&M, being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 18, and
3. Diversion Dam on Big Canyon Creek: North 1,000 feet from SW corner of Section 18, T40N, R3W, MDB&M, being within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 18.

4. Paragraph 3 and 4 of this permit regarding the place of use and purpose of use be amended to read:

Domestic use: Within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24, and N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 36, both in T40N, R4W, MDB&M and W $\frac{1}{2}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW of Section 30, T40N, R3W, MDB&M as shown on map on file with State Water Resources Control Board.

5. Permit Condition 17 is added to this permit and read:

The permittee shall install totalizing water meters in all of the pipelines supplying water to the place of use under this permit.

6. Condition 11 of the permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: **NOVEMBER 07 1989**


Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18960

Application 25968 of Robert M. O'Brien and Edith O'Brien (fur)
P. O. Box 555, Hampton, Georgia 30228

filed on April 10, 1979, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Big Canyon Creek

Sacramento River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
North 1,000 feet from SW corner of Section 18	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	18	40N	3W	MD

County of Siskiyou

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Domestic						
Irrigation	SW $\frac{1}{4}$	30	40N	3W	MD	109
	NE $\frac{1}{4}$	36	40N	4W	MD	45
					Total	154

The place of use is shown on map filed with the State Water Resources Control Board.

P18960 . . .

11-29-84 Asgd to MountainSide Water Company

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.46 cubic foot per second to be diverted from July 1 to August 31 of each year. The maximum amount diverted under this permit shall not exceed 56.5 acre-feet per year. (0000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
7. Construction work shall be completed by December 1, 1986. (0000008)
8. Complete application of the water to the authorized use shall be made by December 1, 1987. (0000009)
9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)
10. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
11. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
- The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)
12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)
13. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (0000022)
14. No water shall be appropriated until the permittee has established a permanent organization which will, to the Board's satisfaction, properly operate and maintain the permittee's water supply system. (0000028)

15. No water shall be used under this permit until the permittee has filed a report of waste discharge with the California Regional Water Quality Control Board, North Coast Region, pursuant to Water Code Section 13260, and the Regional Board or State Water Resources Control Board has prescribed waste discharge requirements or has indicated that waste discharge requirements are not required. Thereafter, water may be diverted only during such times as all requirements prescribed by the Regional Board or State Board are being met. No discharges of waste to surface water shall be made unless waste discharge requirements are issued by a Regional Board or the State Board. A discharge to ground water without issuance of a waste discharge requirement may be allowed if after filing the report pursuant to Section 13260:

- (1) the Regional Board issued a waiver pursuant to Section 13269, or
- (2) the Regional Board fails to act within 120 days of the filing of the report.

No permittee shall be required to file a report of waste discharge pursuant to Section 13260 of the water code for percolation to the groundwater of water resulting from the irrigation of crops.

Failure of permittee to comply with this term will subject the permit to revocation, after opportunity for hearing.

(0290101)

16. During the period between July 1 and August 31 if, in the absence of permittee's diversion, hydraulic continuity would exist between permittee's diversion point and the Sacramento River, permittee shall not divert water but shall open his diversion works and allow the water to flow undiminished downstream.

(0000110)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: AUGUST 19 1983

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh
Chief, Division of Water Rights